

BILL NO. G-88- 05-08

GENERAL ORDINANCE NO. 5-14-88

AN ORDINANCE AMENDING CHAPTER 33 OF THE  
MUNICIPAL CODE OF THE CITY OF FORT WAYNE

WHEREAS, the City of Fort Wayne has adopted Chapter 33 of the Municipal Code regarding the use of buildings, structures and land within the city, and,

WHEREAS, a proposed amendment as herein set out has been made.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Section 33-14(F)(8) Chapter 33 of the Municipal Code is hereby deleted and replaced by the following:

a. Primary and/or secondary development plans shall be submitted and accompanied with an application on forms prescribed by the Plan Commission, complete with the signature of 100% of the owners of record of the tract involved, and shall have been prepared in accordance with the provisions of this Ordinance as well as the recommendations of the preapplication discussion. After approval of the Primary Development plan is granted by the Commission, any amendments thereto made prior to Secondary Development Plan approval by the Commission shall be shown on a form prescribed by the Commission and shall contain the signature of the original developers (or successors to the original developers) and need not contain signatures of all real property owners within the development. After Secondary Development Plan approval is granted by the Commission, then further amendments thereto shall be shown on a form prescribed by the Commission and shall contain the signatures of the owners of fifty percent (50%) of the land area contained in the Secondary Development Plan. The individual or entity filing to amend a Secondary Development Plan, must place on notice by certified return receipt requested mail all of the owners of record of the real estate contained in the development whose signatures do not appear on the Amended Plan, and shall file the return receipts with the Commission.

SECTION 2. All other items and provisions of Chapter 33 of the Municipal Code are hereby ratified and affirmed.



SECTION 3. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

Janet G. Bradbury  
COUNCILMEMBER

APPROVED AS TO FORM  
AND LEGALITY:

J. Timothy McCaulay  
J. Timothy McCaulay, City Attorney



Read the first time in full and on motion by Bradbury, seconded by Redd, and duly adopted, read the second time by title and referred to the Committee on Regulation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATE: 5-10-88

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by GiaQuinta, seconded by Redd, and duly adopted, placed on its passage. PASSED ~~lost~~ by the following vote:

|                    | <u>AYES</u> | <u>NAYS</u> | <u>ABSTAINED</u> | <u>ABSENT</u> | <u>TO-WIT</u> |
|--------------------|-------------|-------------|------------------|---------------|---------------|
| <u>TOTAL VOTES</u> | <u>7</u>    | _____       | _____            | _____         | <u>2</u>      |
| <u>BRADBURY</u>    | _____       | _____       | _____            | _____         | <u>✓</u>      |
| <u>BURNS</u>       | <u>✓</u>    | _____       | _____            | _____         | _____         |
| <u>GiaQUINTA</u>   | <u>✓</u>    | _____       | _____            | _____         | _____         |
| <u>HENRY</u>       | <u>✓</u>    | _____       | _____            | _____         | _____         |
| <u>LONG</u>        | <u>✓</u>    | _____       | _____            | _____         | _____         |
| <u>REDD</u>        | <u>✓</u>    | _____       | _____            | _____         | _____         |
| <u>SCHMIDT</u>     | <u>✓</u>    | _____       | _____            | _____         | _____         |
| <u>STIER</u>       | _____       | _____       | _____            | _____         | <u>✓</u>      |
| <u>TALARICO</u>    | <u>✓</u>    | _____       | _____            | _____         | _____         |

DATE: 6-14-88

Nadyla Esteroff  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (~~ANNEXATION~~) (~~APPROPRIATION~~) (GENERAL) (~~SPECIAL~~) (~~ZONING MAP~~) ORDINANCE RESOLUTION NO. 5-14-88 on the 14th day of June, 1988,

ATTEST:

SEAL

Nadyla Esteroff  
SANDRA E. KENNEDY, CITY CLERK

Thomas C. Henry  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of June, 1988, at the hour of 11:30 o'clock A.M., E.S.T.

Nadyla Esteroff  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 16th day of June, 1988, at the hour of 8:30 o'clock P.M., E.S.T.

P. Helmke  
PAUL HELMKE, MAYOR



Ord. 343

ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE This amendment will permit amendments to final Shopping Center Development Plans with the signature of 50% of the property owners instead of the present 100% now required.

B-88-05-08

EFFECT OF PASSAGE Allow greater flexibility in amending final development plans.

EFFECT OF NON-PASSAGE Status of the present ordinance will remain the same.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \_\_\_\_\_

(ASSIGN TO COMMITTEE (J.N.) \_\_\_\_\_

**FACT SHEET**

G-88-05-08

BILL NUMBER

**Division of Community  
Development & Planning****BRIEF TITLE**

Zoning Ordinance Amendment

**APPROVAL DEADLINE****REASON****DETAILS****Specific Location and/or Address**

Not Applicable

**Reason for Project**

This amendment will permit amendments to final Shopping Center Development Plans with the signature of 50% of the property owners instead of the present 100% now required.

**Discussion (Including relationship to other Council actions)**18 April 1988 - Public Hearing

Greg Purcell stated that staff had discovered in about 3 cases recently that our ordinance provides that all of the owners of property in a shopping center district must sign the petition to amend the plan. He stated that if the property is owned separately that one individual property owner can stop a petition from coming before the Plan Commission. He stated that this requirement can hold the whole development hostage and they did not feel that was fair. He stated they look for models by which to change that condition. He stated one such model was a rezoning petition, which only requires 50% of the property owners of the area to sign the petition. He stated that they felt that was a good model, so they were suggesting to the Commission an amendment to that effect for shopping centers. The ordinance would be changed to require only 50% of the area supporters sign a petition for amendment of a planned shopping center.

There was no one else present who wished to speak in favor of or in opposition to the proposed amendment.

**POSITIONS****RECOMMENDATIONS****Sponsor**

City Plan Commission

**Area Affected**

City Wide

Other Areas

**Applicants/  
Proponents****Applicant(s)**

City Department

Land Use Management - CD&amp;P

Other

**Opponents****Groups or Individuals**

Basis of Opposition

**Staff  
Recommendation**☒ For ☐ Against

Reason Against

**Board or  
Commission  
Recommendation****By**☒ For ☐ Against  
☐ No Action Taken☐ For with revisions to conditions  
(See Details column for conditions)**CITY COUNCIL  
ACTIONS  
(For Council  
use only)**☐ Pass ☐ Other  
☐ Pass (as amended) ☐ Hold  
☐ Council Sub. ☐ Do not pass



# DETAILS

25 April 1988 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation. Motion carried.

Of the six (6) members present five (5) voted in favor of the motion one (1) did not vote.

## POLICY/PROGRAM IMPACT

|                               |                             |                              |
|-------------------------------|-----------------------------|------------------------------|
| Policy or Program Change      | <input type="checkbox"/> No | <input type="checkbox"/> Yes |
|                               |                             |                              |
|                               |                             |                              |
|                               |                             |                              |
| Operational Impact Assessment |                             |                              |
|                               |                             |                              |
|                               |                             |                              |
|                               |                             |                              |

(This space for further discussion)

Project Start

Date 8 April 1988

Projected Completion or Occupancy

Date 17 May 1988

Fact Sheet Prepared by

Date 17 May 1988

Patricia Biancaniello

Reviewed by

Date 5/23/88

*Gary Butler*  
Reference or Case Number

BILL NO. G-88-05-08

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS  
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending Chapter 33  
of the Municipal Code of the City of Fort Wayne

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION  
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID  
(ORDINANCE) (~~RESOLUTION~~) Do Pass

YES

NO

Janet G. Bradbury JANET G. BRADBURY  
Mark E. GiaQuinta CHAIRPERSON  
Charles B. Redd MARK E. GIAQUINTA  
David C. Long VICE CHAIRMAN  
Paul M. Burns CHARLES B. REDD  
DAVID C. LONG  
PAUL M. BURNS

CONCURRED IN 6-17-88

Sandra E. Kennedy  
City Clerk